

1 JASON M. FRIERSON
2 United States Attorney
3 Nevada Bar Number 7709
4 JIM W. FANG
5 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101
Phone: (702) 388-6336
Email: jim.fang@usdoj.gov
Attorneys for the United States of America

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7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,

Case No. 2:21-mj-333-BNW

9 Plaintiff,

**Stipulation to Continue the Preliminary
Hearing (Eighth Request)**

10 v.

11 BREON DANTE MIMS,

12 Defendant.

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14 It is hereby stipulated and agreed, by and between Jason M. Frierson, United States
15 Attorney, through Jim W. Fang, Assistant United States Attorney, and Katherine A.
16 Tanaka, Assistant Federal Public Defender, counsel for defendant Breon Dante Mims, that
17 the preliminary hearing in the above-captioned matter, previously scheduled for August 29,
18 2022, at 10:00 a.m., be vacated and continued until a time convenient to the Court, but no
19 earlier than 90 days from the current setting.

20 1. Federal Rule of Criminal Procedure Rule 5.1(d) provides that “[w]ith the
21 defendant’s consent and upon a showing of good cause—taking into account the public
22 interest in the prompt disposition of criminal cases—a magistrate judge may extend the time
23 limits [for preliminary hearings] one or more times.” Here, the parties have agreed to a plea

1 deal, and additional time is needed to fully execute the plea agreement and to submit it to
2 the Court for review.

3 2. This continuance is not sought for the purposes of delay, but to allow the
4 parties to finalize and present a plea deal for the Court's consideration.

5 3. Defendant is not in custody and agrees to the continuance.

6 4. Denial of this request could result in a miscarriage of justice, and the ends of
7 justice served by granting this request outweigh the best interest of the public and the
8 defendants in a speedy trial.

9 5. The additional time requested by this stipulation is excludable in computing
10 the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C.
11 § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

12 DATED this 24th day of August, 2022.

13 JASON M. FRIERSON
14 United States Attorney

15 *s/ Jim W. Fang*
16 JIM W. FANG
Assistant United States Attorney
Counsel for the United States

17 *s/ Katherine A. Tanaka*
18 Katherine A. Tanaka
19 Assistant Federal Public Defender
Counsel for Defendant

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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

Case No. 2:21-mj-333-BNW

BREON DANTE MIMS,

Defendant.

FINDINGS AND ORDER

Based on the pending Stipulation between the defense and the government, and good cause appearing therefore, the Court hereby finds that:

1. The parties have reached a plea deal, and needs additional time to finalize the agreement, as well as submit it to the Court for its consideration. The Court finds good cause to continue the hearing to allow the parties to enter a pre-indictment plea agreement.

2. Both counsel for defendant and counsel for the government agree to the continuance.

3. Defendant is not in custody and agrees to the continuance.

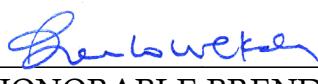
4. The continuance is not sought for the purposes of delay, but to allow the parties to reach a potential resolution before the government moves forward with further prosecution.

5. Denial of this request could result in a miscarriage of justice, and the ends of justice served by granting this request outweigh the best interest of the public and the defendants in a speedy trial.

6. The additional time requested by this stipulation is excludable in computing the time within which indictment must be filed pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(b), and considering the factors under 18 U.S.C. § 3161(h)(7)(A) and (B)(i) and (iv).

1 THEREFORE, IT IS HEREBY ORDERED that the preliminary hearing in the
2 above-captioned matter currently scheduled for August 29, 2022, at 10:00 a.m. be vacated
3 and continued to December 6, 2022 at 3:00 p.m.

4 DATED this 25th day of August, 2022.

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6 HONORABLE BRENDA WEKSLER
7 UNITED STATES MAGISTRATE JUDGE

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